

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**LAURA BARBER, on behalf of
herself and others similarly,**

Plaintiffs,

vs.

CIVIL No. 03-1404 WPJ/RLP

**REGENTS OF THE UNIVERSITY OF
CALIFORNIA, d/b/a Los Alamos National
Laboratory,**

Defendant,

Consolidated with

YOLANDA GARCIA, et al.,

Plaintiffs,

vs.

CIVIL No. 04-0112 WP/RLP

**REGENTS OF THE UNIVERSITY OF
CALIFORNIA, AND G. Peter Nanos, in
His individual and official capacities,**

Consolidated with

VERONIQUE A. LONGMIRE,

Plaintiff,

vs.

CIVIL No. 05-1082 JH/DJS

**REGENTS OF THE UNIVERSITY OF
CALIFORNIA, d/b/a LOS ALAMOS NATIONAL
LABORATORY,**

Defendant,

Consolidated with

VERONIQUE A. LONGMIRE,

Plaintiff,

vs.

CIVIL No. 07-00673 DJS/ACT

**REGENTS OF THE UNIVERSITY OF CALIFORNIA
/d/b/a LOS ALAMOS NATIONAL LABORATORY,
and LOS ALAMOS NATIONAL SECURITY, LLC
d/b/a LOS ALAMOS NATIONAL LABORATORY,**

Defendants,

Consolidated with

VERONIQUE A. LONGMIRE,

Plaintiff,

vs.

CIVIL No. 07-0753 LAM/LFG

**REGENTS OF THE UNIVERSITY OF CALIFORNIA
/d/b/a LOS ALAMOS NATIONAL LABORATORY,
and LOS ALAMOS NATIONAL SECURITY, LLC
d/b/a LOS ALAMOS NATIONAL LABORATORY,**

Defendants.

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
ON RACE DISCRIMINATION AND BREACH OF CONTRACT CLAIMS**

Pursuant to Federal Rule of Civil Procedure 56, Defendants Regents of the University of California and Los Alamos National Security, LLC respectfully move the Court to enter summary judgment on all of Plaintiff's claims for race discrimination asserted in these consolidated actions. As grounds for this Motion, Defendants state that Plaintiff cannot establish a prima facie case of race discrimination. Further, even if there is a prima facie case, Plaintiff's

race discrimination claim fails because there are legitimate business reasons for the employment decisions of which she complains and Plaintiff has no evidence that such reasons are pretextual. Finally, the Administrative Manual provisions on which Plaintiff relies for her breach of contract claims do not rise to the level of an enforceable agreement and, even if they did, there is no evidence that they were breached. Thus, Defendants are entitled to a judgment as a matter of law.

Defendant is filing herewith a memorandum brief in accordance with D.N.M.LR-Civ. 56.1(b) (2008).

This motion is opposed.

WHEREFORE, Defendants respectfully request that the Court grant summary judgment in their favor on all of Plaintiff's race discrimination claims asserted in these consolidated actions and dismiss those claims in their entirety and with prejudice.

Respectfully submitted,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By Electronically Filed July 14, 2008

Scott D. Gordon

Post Office Box 1888

Albuquerque, New Mexico 87103

505) 765-5900

sdgordon@rodey.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 14, 2008, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

franpol@netzero.net [Pro Se Plaintiff]

/s/

Scott D. Gordon